IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9716 OF 2004

Shri.Kapildev Singh .. Petitioner
V/s
Shri.Jagadev Hiralal Jaiswal & Anr. .. Respondents

Mr.A.M.Joshi i/b Smt.Geeta Sardesai for Petitioner.

CORAM : DR.S.RADHAKRISHNAN J.

DATE : 21st April, 2007.

P.C.:

1. Heard the learned Counsel for the petitioner. The above matter challenges the order passed by the 11th Adhoc Additional District Judge, Pune, dated 26th July, 2004 whereby the appeal was partly allowed amd the Petitioner was directed to pay Rs.5450/- alongwith the interest at the rate of 6% p.a.from the date of the suit till realisation. Mr.Joshi, the learned Counsel for the Petitioner states that the part of the amount has already been paid by the Petitioner to the Respondent.

2. The above matter was circulated for 23.12.2004 on which date the learned Single Judge granted liberty to the Petitioner to move during the vacation. The learned Counsel for the Petitioner states that thereafter there have been no instructions whatsoever from the Petitioner.

3. Having regard to the aforesaid facts and circumstances, specially in view of the fact that the

part of the amount has also been paid and the amount involved is meagre, I am not inclined to exercise extra ordinary writ jurisdiction. Hence, Petition stands dismissed.

4. It is made clear that the competency of the Respondent to collect the amount is not decided in this petition.

(DR.S.RADHAKRISHNAN,J.)